

REMARKS

Claims 1, 6-11, and 16-21 remain in the application and claims 1, 6, 9-11, 16-18, 20 and 21 have been amended hereby. Claims 2-5, 12-15, and 22-31 have been canceled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the rejection of claims 2-6, 12-21, and 24 under 35 USC 112, second paragraph, as being indefinite.

Claims 2-5, 12-15, and 24 have been canceled, thereby rendering the rejection thereof moot.

Claims 6, 9, and 17 have been amended in part to change "said charging processing portion" to --said charge processing portion-- and the recitation "reproduction permission signal" has been deleted from the claims.

Accordingly, it is respectfully submitted that all the pending claims are clear and definite in their recitation of the present invention and meet all requirements of 35 USC 112.

Reconsideration is respectfully requested of the rejection of claims 1, 7, 8, and 11 under 35 USC 103(a), as being unpatentable over Morioka et al. in view of Ito et al.

A feature of the present invention is a recording medium for storing data programs and including a management

area for storing index data, e.g. table of contents (TOC), for managing the programs, wherein the index data is an imperfect index data, e.g. scrambled, so that said programs are unreproducible from the recording medium. See the first full paragraph of page 26 and Fig. 6 of the present application, for example.

Another feature of the present invention is a means for generating a perfect index data and for rewriting the imperfect index data with the perfect index data so that the programs are reproducible. See Fig. 6 of the present application, for example.

Independent claims 1 and 11 have been amended to recite these features of the present invention.

It is respectfully submitted that the combination of Morioka et al. in view of Ito et al. fails to show or suggest a recording medium having programs and an imperfect index recorded thereon so that the programs are unreproducible, generating a perfect index, and rewriting the imperfect index data with perfect index data so that the programs are reproducible.

Morioka et al. is merely disclosing a recording and reproducing apparatus for recording and reproducing hybrid data including text data and, although Ito et al. mentions

the use of index data, Ito et al. does not show or suggest the rewriting of an imperfect index with a perfect index to enable the reproduction of the programs.

Accordingly, it is respectfully submitted that amended independent claims 1 and 11, and the claims depending therefrom, are patentably distinct over Morioka et al. in view of Ito et al.

Claims 2-3, 12, and 13 have been canceled, thereby rendering the rejection thereof moot.

Claims 4, 5, 14, and 15 have been canceled, thereby rendering the rejection thereof moot.

Reconsideration is respectfully requested of the rejection of claims 6 and 16 under 35 USC 103(a), as being unpatentable over Morioka et al., Ito et al., Ohkuma et al., and further in view of Russo.

Claim 6 depends from claim 1 and claim 16 depends from claim 11, respectively. The rejection of claims 1 and 11 over Morioka et al. in view of Ito et al. has been addressed above and, because there are no features in Ohkuma et al. and Russo that somehow could be combined with Morioka et al. and Ito et al. and result in the presently claimed invention, it is respectfully submitted that dependent claims 6 and 16 are patentably distinct over Morioka et al.,

Ito et al., Ohkuma et al., and further in view of Russo.

Reconsideration is respectfully requested of the rejection of claims 9, 10, and 17-21 under 35 USC 103(a), as being unpatentable over Morioka et al., Ito et al., and further in view of Russo.

Claims 9 and 10 depend from claim 1, and claims 17-21 depend from claim 11, respectively. The rejection of claims 1 and 11 over Morioka et al. in view of Ito et al. has been addressed above and, because there are features in Russo that somehow could be combined with Morioka et al. and Ito et al. and result in the presently claimed invention, it is respectfully submitted that dependent claims 9, 10, and 17-21 are patentably distinct over Morioka et al., Ito et al., and further in view of Russo.

Claims 22 and 23 have been canceled, thereby rendering the rejection thereof moot.

Claim 24 has been canceled, thereby rendering the rejection thereof moot.

Claims 25 and 29 have been canceled, thereby rendering the rejection thereof moot.

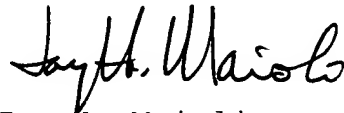
Claims 26-28, 30, and 31 have been canceled, thereby rendering the rejection thereof moot.

The prior art made of record and not relied upon has

been reviewed and is not seen to show or suggest the present invention as recited in the amended claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
COOPER & DUNHAM LLP

A handwritten signature in cursive script, appearing to read "Jay H. Maioli".

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Please amend claims 1, 6, 9-11, 16-18, 20 and 21 by rewriting same to read as follows and cancel claims 2-5, 12-15, and 22-31, without prejudice or disclaimer.

--1. (Twice Amended) A recording and reproducing apparatus, comprising:

a storing portion for storing [at least one program of content] data programs and including a management area for storing index data for managing said data programs, wherein said index data is an imperfect index data so that said data programs are unreproducible from said storing portion;

a recording and reproducing portion for [writing content data to said storing portion and reading stored content] recording and reproducing data from said storing portion; and

a signal generating portion for generating a [permission signal that allows] perfect index data so that said data programs are reproducible by said recording and reproducing portion [to reproduce said stored content data stored in said storing portion],

wherein when said signal generating portion transmits

said [permission signal] perfect index data to said recording and reproducing portion, said recording and reproducing portion [reproduces] rewrites said imperfect index data with said perfect index data and is enabled to reproduce said stored [content] data programs stored in said storing portion.

--6. (Twice Amended) The recording and reproducing apparatus set forth in claim [2] 1, further comprising:

a charge processing portion for performing a charging process before said signal generating portion generates said [permission signal] perfect index data,

wherein when said recording and reproducing portion reproduces [content] said data programs stored in said storing portion, said recording and reproducing portion supplies said perfect index data to said signal generating portion and said charge processing portion performs said charging process, and

[wherein] when said [charging] charge processing portion has completed said charging process, said signal generating portion generates said [permission signal] perfect index data.

--9. (Twice Amended) The recording and reproducing apparatus set forth in claim 1, further comprising:

a [charging] charge processing portion,

wherein when said recording and reproducing portion reproduces said [stored content] data programs stored in said storing portion, said recording and reproducing portion supplies a charging process signal to said charge processing portion so that said charge processing portion performs [the] a charging process, and

after said [charging] charge processing portion has completed said charging process, said signal generating portion supplies said [permission signal] perfect index data to said recording and reproducing portion.

--10. (Twice Amended) The recording and reproducing apparatus set forth in claim 9,

wherein said storing portion stores said charging process signal and said [reproduction permission signal] perfect index data along with said [content] data programs, and

said recording and reproducing portion rewrites said [reproduction permission signal corresponding to said permission signal] imperfect index data with said perfect

index data received from said signal generating portion.

--11. (Twice Amended) A recording and reproducing apparatus, comprising:

a recording and reproducing portion, having a storing portion for storing [at least one program of content] data programs and including a management area for storing index data for managing said data programs, wherein said index data is an imperfect index data so that said data programs are unreproducible from said storing portion, [for writing content] and said recording and reproducing portion records and reproduces data [to] to/from said storing portion [and reading stored content data from said storing portion]; and

a server unit having a signal generating portion for generating a [permission signal that allows] perfect index data so that said data programs are reproducible by said recording and reproducing portion [to reproduce said stored content data stored in said storing portion],

wherein [if] when said signal generating portion transmits said [permission signal] perfect index data to said recording and reproducing portion, said recording and reproducing portion [reproduces] rewrites said imperfect index data with said perfect index data and is enabled to

reproduce said stored [content] data programs stored in said storing portion.

--16. (Twice Amended) The recording and reproducing apparatus set forth in claim [12] 11, further comprising:

a charge processing portion for performing a charging process before said signal generating portion generates said [permission signal] perfect index data,

wherein when said recording and reproducing portion reproduces said [stored content] data programs stored in said storing portion, said recording and reproducing portion supplies said perfect index data to said signal generating portion and said charge processing portion performs said charging process, and

when said charge processing portion has completed [the] said charging process, said signal generating portion generates said [permission signal] perfect index data.

--17. (Twice Amended) The recording and reproducing apparatus set forth in claim 11, further comprising:

a [charging] charge processing portion,

wherein when said recording and reproducing portion reproduces said [stored content] data programs stored in

said storing portion, said recording and reproducing portion supplies a charging process signal to said charge processing portion so that said charge processing portion performs [the] a charging process, and

after said charge processing portion has completed said charging process, [and] said signal generating portion supplies said [permission signal] perfect index data to said recording and reproducing portion.

--18. (Twice Amended) The recording and reproducing apparatus set forth in claim 17,

wherein said storing portion stores said charging process signal and said [reproduction permission signal] perfect index data along with said [content] data programs, and

said recording and reproducing portion rewrites said [reproduction permission signal corresponding to said permission signal] imperfect index data with said perfect index data received from said signal generating portion.

--20. (Twice Amended) The recording and reproducing apparatus set forth in claim 19,

wherein [at least] identification data is stored in

said terminal unit,

and when said recording and reproducing portion reproduces said [stored content] data programs stored in said storing portion, said terminal unit supplies said identification data to said charge processing portion, and

when said charge processing portion has determined that said terminal unit is valid based upon said identification data received from said terminal unit, said charge processing portion starts said charging process.

--21. (Twice Amended) The recording and reproducing apparatus set forth in claim 20,

wherein when said charge processing portion has determined that said terminal unit is valid based upon said identification data received from said terminal unit, said charge processing portion is connected to said server unit through [the] said communication network so that said charge processing portion performs said charging process and rewrites said [reproduction permission signal corresponding to said permission signal] imperfect index data with said perfect index data received from said signal generating portion.--